

# Calendar No. 754

107<sup>TH</sup> CONGRESS  
2D SESSION

# S. 1655

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2001

Mr. BIDEN (for himself, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. DURBIN, Mr. LEVIN, Mr. TORRICELLI, Mr. WYDEN, Mr. KOHL, Ms. CANTWELL, Mr. CORZINE, Mr. FEINGOLD, Mr. KENNEDY, Mrs. MURRAY, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

NOVEMBER 14, 2001

Reported by Mr. LEAHY, with an amendment

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[Strike out all after the enacting clause and insert the part printed in italic]

## A BILL

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Captive Exotic Animal  
3 Protection Act of 2001”.

4 **SEC. 2. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS**  
5 **FOR PURPOSES OF KILLING OR INJURING**  
6 **THEM.**

7       (a) IN GENERAL.—Chapter 3 of title 18, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

10 **“§ 48. Exotic animals**

11       “(a) PROHIBITION.—Whoever, in or substantially af-  
12 fecting interstate or foreign commerce, knowingly trans-  
13 fers, transports, or possesses a confined exotic animal, for  
14 the purposes of allowing the killing or injuring of that ani-  
15 mal for entertainment or for the collection of a trophy,  
16 shall be fined under this title, imprisoned not more than  
17 1 year, or both.

18       “(b) DEFINITIONS.—In this section—

19               “(1) the term ‘confined exotic animal’ means a  
20 mammal of a species not historically indigenous to  
21 the United States, that has been held in captivity for  
22 the shorter of—

23                       “(A) the greater part of the life of the ani-  
24 mal; or

25                       “(B) a period of 1 year;

1 whether or not the defendant knew the length of the  
2 captivity; and

3 “(2) the term ‘captivity’ does not include any  
4 period during which an animal—

5 “(A) lives as it would in the wild; surviving  
6 primarily by foraging for naturally occurring  
7 food; roaming at will over an open area of not  
8 less than 1,000 acres; and

9 “(B) has the opportunity to avoid hunt-  
10 ers.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-  
12 ter 3 of title 18, United States Code, is amended by add-  
13 ing at the end the following:

“48. Exotic animals.”.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Captive Exotic Animal*  
16 *Protection Act of 2002”.*

17 **SEC. 2. FINDINGS.**

18 *Congress finds the following:*

19 (1) *The ethic of hunting involves the consider-*  
20 *ation of “fair chase”, which allows the animal the op-*  
21 *portunity to evade or elude the hunter.*

22 (2) *At more than 1,000 commercial canned hunt*  
23 *operations across the country, trophy hunters pay a*  
24 *fee to shoot captive exotic animals, from African lions*

1       to giraffes and blackbuck antelope, in fenced-in enclo-  
2       sures.

3               (3) Clustered in a captive setting at unusually  
4       high densities, confined exotic animals attract disease  
5       more readily than more widely dispersed native spe-  
6       cies who roam freely.

7               (4) The transportation of captive exotic animals  
8       to canned hunt facilities can facilitate the spread of  
9       disease across great distances.

10              (5) The regulation of the transport and treat-  
11       ment of exotic animals on shooting preserves falls out-  
12       side the traditional domains of State agriculture de-  
13       partments and State fish and game agencies.

14              (6) This Act is limited in its purpose and will  
15       not limit the licensed hunting of any native mammals  
16       or any native or exotic birds.

17              (7) This Act does not aim to criticize or take  
18       issue with those hunters who pursue animals that are  
19       not enclosed within a fence.

20              (8) This Act does not attempt to prohibit slaugh-  
21       terhouse activities, nor does it aim to prohibit the  
22       routine euthanasia of domesticated farm animals as  
23       is sometimes part of farm practice.

1 **SEC. 3. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS**  
 2 **FOR PURPOSES OF KILLING OR INJURING**  
 3 **THEM.**

4 (a) *IN GENERAL.*—Chapter 3 of title 18, United States  
 5 Code, is amended by adding at the end the following:

6 **“§ 48. Exotic animals**

7 “(a) *PROHIBITION.*—Whoever, in or substantially af-  
 8 fecting interstate or foreign commerce, knowingly transfers,  
 9 transports, or possesses a confined exotic animal, for the  
 10 purposes of allowing the killing or injuring of that animal  
 11 for entertainment or for the collection of a trophy, shall be  
 12 fined under this title, imprisoned not more than 1 year,  
 13 or both.

14 “(b) *DEFINITIONS.*—In this section—

15 “(1) the term ‘confined exotic animal’ means a  
 16 mammal of a species not historically indigenous to  
 17 the United States, that has been held in captivity for  
 18 the shorter of—

19 “(A) the greater part of the life of the ani-  
 20 mal; or

21 “(B) a period of 1 year;  
 22 whether or not the defendant knew the length of the  
 23 captivity; and

24 “(2) the term ‘captivity’ does not include any pe-  
 25 riod during which an animal—

1           “(A) *lives as it would in the wild, surviving*  
 2           *primarily by foraging for naturally occurring*  
 3           *food, roaming at will over an open area of not*  
 4           *less than 1,000 acres; and*

5           “(B) *has the opportunity to avoid hunters.*

6           “(c) *ENFORCEMENT.—*

7           “(1) *IN GENERAL.—Any person authorized by*  
 8           *the Secretary of the Interior, acting through the Di-*  
 9           *rector of the United States Fish and Wildlife Service,*  
 10          *may—*

11          “(A) *without a warrant, arrest any person*  
 12          *that violates this section (including regulations*  
 13          *promulgated under this section) in the presence*  
 14          *or view of the arresting person, and may execute*  
 15          *any warrant or other process issued by an officer*  
 16          *or court of competent jurisdiction to enforce this*  
 17          *section; and*

18          “(B) *with a search warrant, search for and*  
 19          *seize any animal taken or possessed in violation*  
 20          *of this section.*

21          “(2) *FORFEITURE.—Any animal seized with or*  
 22          *without a search warrant shall be held by the Sec-*  
 23          *retary or by a United States marshal, and upon con-*  
 24          *viction, shall be forfeited to the United States and dis-*

1        *posed of by the Secretary of the Interior in accordance*  
2        *with law.*

3                *“(3) ASSISTANCE.—The Director of the United*  
4        *States Fish and Wildlife Service may use by agree-*  
5        *ment, with or without reimbursement, the personnel*  
6        *and services of any other Federal or State agency for*  
7        *the purpose of enforcing this section.”.*

8                *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
9        *3 of title 18, United States Code, is amended by adding*  
10       *at the end the following:*

*“48. Exotic animals.”.*

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